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P/3013-11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Martin Nitsche et al.

International Appln. No.: PCT/EP00/01772

International Filing Date: March 3, 2000

U.S. Serial No.: 09/941,981

Date: August 12, 2003

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AUG 18 2003

Technology Center 2100

Priority Date: March 5, 1999

For: METHOD FOR CONTROLLING A HYDRODYNAMIC STRUCTURAL UNIT AND
CONTROL DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF DECISION ON
PETITION UNDER 37 C.F.R. § 1.181

Sir:

It is submitted that the Decision on Petition in the above noted matter is an error and that the Petition should have been granted.

As noted at the first paragraph on page 2, Applicant submitted the Petition on 13 August 2002. A copy of the signed Declaration had been attached, which the undersigned avers had been filed with the Communication of 7 November 2001. The undersigned told the truth then and now as well.

The Declaration to which the decision referred bears a date 01-09-03. It was signed by German citizens in Europe, who have their own way of dating, year first, month second, date third. The Declaration was signed September 3, 2001, two days before Applicants filed the Transmittal Letter for entry into the National Phase and about one and one-half months before Applicants submitted the signed Declaration, dated 01-09-03 in response to the Notice of Missing Requirements.

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A copy of the letter to the undersigned sent by facsimile on September 10, 2001 enclosing the signed Declaration is also attached. The executed Declaration enclosed with that letter was the same one filed in response to the Notice of Missing Requirements.

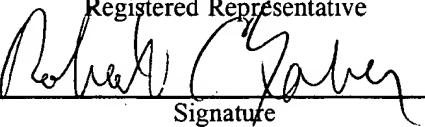
Since the original Petition by the undersigned on behalf of Applicants, along with a copy of the Declaration of 01-09-03, was filed in August 2002, it is not possible or reasonable that the Declaration would have been dated by both signatories on January 9, 2003, five months later. In fact the Declaration date has been misread.

The undersigned again avers that the Declaration submitted on 13 August 2002 is a true copy of the Declaration filed in Response to the Notice of Missing Requirement on 7 November 2001 (not 7 August 2001, which is a typographical error in the decision).

Accordingly, in view of the foregoing and the statements of the undersigned, which the undersigned avers are true, the original Petition to Withdrawn the Notice of Abandonment should be granted.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 12, 2003:

Robert C. Faber

Name of applicant, assignee or
Registered Representative


Signature

August 12, 2003

Date of Signature

Respectfully submitted,



Robert C. Faber
Registration No.: 24,322
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1180 Avenue of the Americas
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Telephone: (212) 382-0700

RCF:mjb

DR. WEITZEL & PARTNER
PATENTANWÄLTE

Fax und Post

3. Seiten

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SEP 10 2001**RECEIVED**

Datum: September 10, 2001

G 05609US/p013027/sp

with thanks

*Synthelex***Betreff / Re: / Objet / Asunto:****Ihr Zeichen: P/3013-11****Unser Zeichen: G 05609US**Sie erhalten mit der Bitte um / We submit for / Vous recevez pour: / Reciben Vds.
para:

 Kenntnahme
 information
 information
 Informacion

 Credigung
 settlement
 règlement
 arreglo

 Weitergabe an
 transmission to
 transmission à
 transmission a

 Prüfung
 verification
 contrôle
 control

 Stellungnahme
 comments
 commentaires
 comentarios

 Weiterbearbeitung
 further action
 suite à donner
 para estudios ulteriores

 Genehmigung
 approval
 approbation
 aprobacion

 Ergänzung Ihrer Unterlagen
 supplementation of your records
 complément de votre documentation
 complemento de su documentacion

 Rückgabe
 return
 réexpédition
 devolucion

folgende Unterlagen/the following documents/la documentation suivante/la siguiente documentacion:



Executed Declaration and Assignment
Please confirm receipt by facsimile!

DR. WEITZEL & PARTNER

per: *J. Rosales*